IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24361 of 2004

Between:

G.Anuradha, W/o. G.Ravi Kumar, Fair price shop Dealer,
Bose Nagar, Rayachoty Town & Mandal, Cuddapah District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Cuddapah, Cuddapah

District.
2 The Mandal Revenue Officer, Rayachoty, Rayachoty Mandal,

Cuddapah District.
3 T. Sreelatha W/o. Satish Reddy,
Rayachoti village and Mandal, Cuddapah District
(R3 is impleaded as per court order dt. 31-1-2005 in WPMP 1528 of 2005)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the proceedings in Ref.C/870/2004, dated 25-10-2004 issued by the 1st respondent as arbitrary, illegal, politically motivated colorable exercise of power, contrary to the procedure contemplated under the provisions of the A.P.State Public Distribution System Control order, 2001 and violative of the principles of natural justice apart from being violative of the Fundamental Rights guaranteed to the petitioner under Articles 14, (19)(g) and 21 of the Constitution of India and consequently set aside the same.

Counsel for the Petitioner:MR.V.R.REDDY KOVVURI

Counsel for the Respondent Nos.1 and 2: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.3 : Mr.P.Roy Reddy

The Court at the admission stage made the following :

ORDER:

The petitioner is a dealer of one of the fair price shops of Rayachoty town. Through an order, dated 25.10.2004, the 1st respondent suspended her authorization, on the allegation that the petitioner is selling the essential commodities at higher rates and supplying in lesser quantities. The order was served on the petitioner on 24.12.2004. The petitioner challenges the same on several grounds.

It is alleged that when the respondents have chosen to take two months time to serve the order of suspension, they could certainly have call for the explanation from the petitioner before resorting to suspension. It is also alleged that the action of the respondents is politically motivated.

Heard learned counsel for the petitioner, the learned Government Pleader for Civil supplies and Sri P.Roy Reddy, learned counsel for respondent No.3.

When the writ petition is came up 'for admission', an interim direction was issued on 28.12.2004 by observing that the respondents took two months time to serve the order of suspension, whereas they did not choose to call for the explanation from the petitioner. A counter affidavit is filed narrating the circumstances under which the delay occurred. Subsequently, it is stated that pursuant to the interim orders of this Court, the dealership of the petitioner had since been restored to her and that the respondents would continue her, till the proceedings against her are disposed of.

In view of this development, the writ petition is disposed of, directing that the petitioner shall be entitled to continue as dealer, till the 1st respondent concludes the proceedings initiated against the petitioner. There shall be no order as to costs.

04.02.2005

Jsu

To

1 The Revenue Divisional Officer, Cuddapah, Cuddapah

District.
2 The Mandal Revenue Officer, Rayachoty, Rayachoty Mandal,

Cuddapah District.
3 2 CCs to the G.P. for Civil Supplies, High Court Buildings,

Hyderabad. (OUT)

4 2 CD copies.